

U.S. Serial No.: 09/814,601

REMARKS**I. Introduction**

Claims 1-5 are pending in the above application.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e).

Claim 1 is the only independent claim.

II. Prior Art Rejections

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka et al. (U.S. Pat. No. 6,049,671) (hereafter "Slivka").

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); and *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Slivka does not disclose or suggest a method for securely distributing a component from a network host to a network appliance, which includes the steps of: signing, by said network host, a configuration file including a load table which defines a plurality of authorized components for said network appliance; executing a secure kernel and said signed configuration file on said network appliance, said secure kernel including computer code for checking the authenticity of said configuration file and boot code for allowing said network appliance to initially boot up and establish communication with said network host; verifying, by said secure kernel, the authenticity of said configuration file; reading, by said secure kernel, said load table only after said verifying step; and loading said plurality of authorized components onto said network

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appliance, as recited by claim 1. Slivka merely discloses a method of providing mainly updates and patches of programs from an update service to a user's computer. Abs.; col. 5: 47 through col. 6: 56. The system of Slivka requires the user's computer to contain and run a "user update application (UUA) 50 on the user computer" which communicates with "one or more service update applications (SAU) 48" on the update service computer. Col. 5: 66 through col. 6: 11. Either the service update application (SAU) or the user update application (UUA) scans the user's computer for program information, which is compared to a list of available programs, patches, fixes and updates held by the SAU 48. Col. 6: 29-49; col. 7: 13-60. Slivka further discloses that programs, updates, etc. which are selected for download, presumably by the SAU, may be digitally signed, and the digital signature is checked, presumably by the user update application, to determine if access to the downloaded program is authorized. Col. 16: 55 through col. 18: 15.

However, the system of Slivka does not disclose a secure mechanism to provide the "user update application" to the user, i.e. the "user update application" is the most analogous to Applicant's claimed "configuration file", while the downloaded programs are most analogous to "components". Slivka appears to presume that the user update application is already placed on the user's computer. While the Office action cites to column 17: 58-63, this portion is clearly discussing using the user update application to verify the digital signature of another application (a.k.a. a "component") being downloaded. Notably, if the downloaded program of this citation in Slivka were to considered the "configuration file", there is no description of such downloaded program having a load table as the configuration table is recited to have in claim 1. In short, Slivka does not disclose to check the authenticity of the user update application, but rather only checks the authenticity of programs downloaded by the user update application.

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Moreover, Slivka's user update application is not disclosed as containing a load table which defines a plurality of authorized components for the user's device. At best Slivka's user update application merely serves as a proxy for the service update application in taking an inventory of programs on the user's device without regard to whether such programs are "authorized" or not – there is no suggestion of a table of authorized programs being maintained on the user's device. In Slivka, the comparison of the user's existing programs to the available programs is done on the SAU, and done merely for the purpose of determining if the user has the most up-to-date programs. Col. 6: 29-49. If an unknown program is found, it is merely marked as "unknown", i.e. there is no security aspect as to whether the unknown program is "authorized". Col. 7: 64 through col. 8: 5.

Accordingly, as Slivka does not disclose each and every limitation of claim 1 as arranged in claim 1, Slivka does not anticipate claim 1. Likewise, Slivka does not anticipate claims 2-5 which depend on claim 1 and incorporate all of the limitations thereof.

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III. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Date: July 19, 2005

Respectfully submitted,

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